

Testimony on SB 314

Chairman Nass and members of the Committee:

Thank you for giving me the opportunity to testify on SB 314, which would make Wisconsin a 2nd Amendment Sanctuary State.

Before we get started, I would like to make one thing clear. The United States Constitution was written to protect the American people from the government. Let me say that one more time, so nobody is confused: The United States Constitution was written to protect the American people from the government.

When our forefathers penned their names at the bottom of this sacred document, they attested to the pain and suffering that our ancestors endured from a tyrannical overlord. They wanted to ensure that human beings would never again be persecuted by the same people that they entrusted to lead our great country.

Since its ratification in 1778, the United States Constitution has been amended 27 times – creating a more free nation, of the people, by the people, and for the people.

Undoubtedly, our country has changed in the last 243 years. Society has evolved, technology has advanced, and the size of government has gotten exponentially bigger. But through all of it, some things remain the same. You have the right to speak your mind, the press has the right to report without censure, the people have the right to peacefully assemble, the accused have the right to due process, and law-abiding Americans have the right to bear arms — which shall not be infringed.

In 1998, the people of Wisconsin elaborated on these protections by voting to create Section 25 of the Wisconsin State Constitution – ensuring that they have "the right to keep and bear arms for security, defense, hunting, recreation, or any other lawful purpose."

AB 293 doubles down on that promise and clarifies that what's best for Wisconsin is what the people of Wisconsin want.

As the federal government continues their habit of dictating by executive orders, Wisconsinites deserve assurances that their self-protection and way of life aren't at stake because of political agendas. They need to know that these rights aren't given to them by the government, they naturally possess them, and the Constitution is what protects them.

Every session we all raise our right hand and swear to uphold both our state and federal constitutions. I'm proud to say that I have.



TREIG E. PRONSCHINSKE

STATE REPRESENTATIVE • 92nd ASSEMBLY DISTRICT

Testimony on Senate Bill 314: Making WI a 2nd Amendment Sanctuary State

Thank you members of the Senate Committee on Labor and Regulatory Reform for allowing me to speak on this important bill today and how it will benefit and protect the citizens of Wisconsin.

"The right of the people to keep and bear Arms shall not be infringed." As Americans we are guaranteed this right, but in recent months and years our politicians and elites have decided that we no longer should be able to defend ourselves. With statements such as, "Hell yes we are going to take your AR-15" from former congressman Beto O'Rourke to President Obama saying "I don't believe people should be able to own guns."

This bill would prohibit the state government and local law enforcement agencies from confiscating firearms, firearm accessories and ammunition that are legally owned and made in Wisconsin. It would also prohibit state public funds and state employees from assisting in the confiscation of legally owned, 2nd Amendment protected firearms, firearm accessories and ammunition.

According to Small Arms Analytics, in 2020 nearly 23 million guns were purchased. This is a huge surge when compared to 2019 when only 13.9 million were purchased. The National Shooting Sports Foundation estimates that last summer alone 40% of new gun buyers were women and that the largest demographic of buyers were African Americans.

The 2nd amendment is the right that guarantees every other right. You cannot cherry pick the rights you agree with and the ones that you do not. Could you imagine if we as politicians were to tell people that they no longer had the freedom of speech, they could no longer exercise their religion or protest? Both sides of the aisle would immediately realize that this was wrong.

The 2nd amendment absolutely applies to the individual and not just the people as a whole. We wouldn't say for example that only a group of people are free from unreasonable search and seizures or that only as a group can the 5th amendment be invoked. The U.S. Constitution is a document restricting the government from infringing on the individual rights of the people.

All of us took an oath to not only defend our United States Constitution but also our Wisconsin Constitution which states in Article I, section 25, "The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose."



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SB 314 protects Wisconsinites from a tyrannical and overreaching federal government that has talked about confiscating legally owned firearms. 11 other states have enacted these kinds of laws and 17 other states have proposed bills like this. In a time where there are public calls to abolish the police and politicians are openly saying they want to take your guns, it is not only important but it is my duty to uphold my oath of office to protect our individual rights.

Again, I appreciate your time and consideration of this important legislation and look forward to all of us upholding the oath we took.

I think I might be in the wrong building. I was told that their was going to be a discussion today on the Second Amendment to the United States Constitution. You know that one that says "the right of the people to keep and bear arms shall not be infringed?

Now what I remember being taught in learning about the US Constitution was that the Bill of Rights section were rights given to ME by my creator Almighty God. So that is why, I with a bit of sarcasm, referenced being in the wrong building. If I am going to talk about my God given rights, I should be inside a *CHURCH* talking to GOD because after all HE granted me these rights. Instead I find myself in a government building debating it. The federal government THROUGH THE CONSTITUTION, *LIMITS GOVERNMENT AUTHORITY* over our lives. The Founding Fathers in the Declaration of Independence called these *NATURAL RIGHTS*.

The fact that I am in a government building talking about my God given rights seems out of place. And I passed a lot of churches on the way here this afternoon that I could have stopped in to have a discussion with God about my God given rights.

Mr. Chair in spite of that I am tired of my Second Amendment God given right to keep and bare arms being treated like the bastard child of the bill of rights. None of the other first Ten Amendments receives more scrutiny, is more attacked, is more vilified and denied by local, state and federal government and is always being limited and scaled back, than the Second Amendment. Why is that? Why is the Second Amendment treated with such contempt and disdain? We don't treat the First Amendment that way., nor the fourth, fifth, sixth, seventh, eighth, thirteenth, fourteenth or nineteenth Amendment, we don't treat any of the others with such vitriol and hatred like some do the Second Amendment right to keep and bear arms. Have you ever asked yourself why that is? I ask all the time. I find it offensive. I don't hate *anything* in the US Constitution.

And it's more than that for me. It's personal. My ancestors were brought over to this country in chains an in the hulls of ships. When this Constitution was adopted it didn't apply to them. One of the hallmarks of slavery was that blacks could not possess or own arms to defend themselves. Even after the thirteenth amendment freed the slaves, the Jim Crow Democrats came up with what were called the Black Codes that made it illegal for anyone to sell or transfer a firearm to the newly freed slaves. The newly freed slaves were unable to protect themselves from mob attacks, kidnappings and lynchings. Not until the fourteenth amendment equal protection clause were Jim Crow Democrats forced to abide by the Second Amendment. My ancestors shed blood to be able to exercise the Second Amendment.

I now have a duty, an obligation to honor their sacrifice and do my part in protecting the Second Amendment right to keep and bear arms for future generations. And I think it is important to remind this panel that the rights given to me by God, that these are INDIVIDUAL rights. They are NOT group rights. I don't get to exercise my right to keep and bare arms because of membership in a group. And they can't be taken away in group fashion like courts and governments try to do with sweeping gun control measures.

Our system of jurisprudence has always been predicated on identifying those persons accused and convicted of a particular crime and punishing them directly. It is wrong, in fact it is immoral to punish and entire group of gun owners because a specific person illegally uses a firearm to murder people for instance. We should punish them directly, not all gun owners who haven't committed such heinous acts.

I want to be clear on this point. My Second Amendment right is NOT negotiable and I am NOT granting you proxy to vote to limit or scale it back my Second Amendment Right. Am I clear on that?

Now there is a role for for state government on the issue of my God given rights under the Constitution and that is to help PROTECT those rights. To codify them in order to prevent local levels of government from frustrating my ability to exercise them anytime I want and I don't need a reason as to why. I get tired of hearing anti Second Amendment people ask me why I need a semi auto rifle or a large capacity magazine. My answer is simply because I want to. We don't live in a country where

we have to explain why we want to exercise our constitutional rights. Or has that changed too.

The bills being discussed today are really about state sovereignty under the Tenth Amendment. It is state government's DUTY under the Tenth Amendment's state rights to protect me as an INDIVIDUAL from the overbearing reach and oppression of the federal government. In fact we should be having a discussion today about how we can *expand* gun rights in Wisconsin.

As a resident and taxpayer of the state of Wisconsin, that is what I demand from you all as members of the state legislature. Ensure that my rights under the US Constitution are safeguarded and furthered, even expanded. Government through it's elected officials derive it's authority from the consent of the governed. We the people are sovereign in this republic. Let us *NEVER* forget that.

It is your DUTY under the tenth Amendment to nullify ANY attempt by the federal government to try to limit or curtail my gun rights. Am I clear on that?

Codifying Wisconsin as a Second Amendment Sanctuary state is essential in furthering freedom and liberty here in this great State. Numerous counties in Wisconsin have passed local ordinances declaring themselves Second Amendment sanctuary status. This is a good move but this is NOT a local issue.

The problem with that piece meal approach is that it will lead to inconsistent protection of my individual rights under the Constitution depending on what county I live in. That is unacceptable. I live in Milwaukee County. Milwaukee County has some of the most anti gun and anti Second Amendment elected officials in the United States. That means that without protection in the form of a state law on Second Amendment sanctuary status, my Second Amendment rights will be imperiled because of where I live.

Is that the kind of state we want to be where residents do not enjoy equal protection of the law? THE Fourteenth Amendment in the US Constitution protects me from unequal application of laws. Your vote on this bill will answer that for me.

Thirteen states have already passed a law declaring themselves Second Amendment Sanctuary states. Let's make Wisconsin the Fourteenth such state.

Sheriff(Ret) David Clarke Milwaukee County, Wisconsin.



Wisconsin 2A Team

My name is David Myers, Cut Off Road, New London, Wl.

Thank you for listening to "We the people.".

What prompted me to get involved in the 2A sanctuary effort was witnessing growing fear around the country revolving around the many uncontrolled riots and lawlessness. People were in disbelief that local and state governing authorities were letting the violence continue without reprimand and they became mistrustful of the government.

On February 13th, I had a conversation with a friend, David Wedde, who is also heavily involved in the 2A movement, about how to make Waupaca County a 2A sanctuary county and he said, "We need to get the people of the county energized.".

On February 16th, I created "Waupaca County 2nd Amendment Preservation" on Facebook. We started using the motto, "It's not political, it's constitutional.". In 3 months, we grew to 3500 members on the page and are currently nearing 3700.

We started a petition drive and collected 2200 signatures in about 3 weeks, going to various communities throughout the county and connecting with the people.

On May 18th, the Waupaca County Board of Supervisors worked together with us and passed the 2A resolution presented to them in a unanimous vote, 23-0.

At this time, I would like to address some statements that have been presented by the opposition to 2A sanctuaries.

- 1. "The government hasn't done anything against the 2nd amendment yet, so why do we need this?" It seems to be part of human nature to react after a disaster has occurred rather than heed the warning signs. For instance: Two major events in U.S. history, Pearl Harbor and 9/11 both had warning signs. I'm hearing warning signs from some in local communities that they will defend their 2A rights with their weapons, if necessary. Why not ease their minds and avoid that disaster by making Wisconsin a 2A state?
- II. "We need to do something about gun violence!" Guns aren't violent, people are violent. Guns are merely a tool of violent people. Strengthen and enforce laws on violence, don't punish law abiding citizens.

An example of what can happen with a lack of consequences for violent people is Michael Reinoehl, Portland, OR. Antifa member.

June 8th-Arrested for illegal gun possession. Released.

July 15th-Media photos of him arrested again in possession of an illegal firearm. Released.

August 29th-Aaron Danielson killed by Michael Reinoehl. He was subsequently shot by law enforcement.

Lisa Bingeheimer 4000 W Lincoln Ave West Milwaukee, WI 53215

My name is Lisa Bingenheimer from Milwaukee. I am self employed, a Mom, a wife, I volunteer with the NRA and several other groups. I am also the person behind the Wisconsin 2A Team, a group of grassroots volunteers working to make sure Pro-Second Amendment candidates get the support they need and legislation like SB314 gets passed.

I had the opportunity to work with the NRA during the last election cycle, that allowed me to meet some of the most amazing, dedicated and knowledgeable people in the Pro-Second Amendment universe. Thank you for giving me the opportunity to speak today and sharing some what I have come to observe over the past two years.

Have you ever been given a free one size fits all T-shirt? Did it fit really well? Maybe you had to adjust the neckline, take off the sleeves, usually women will tie the shirt in the back to get a better fit and sometimes after one wash, it doesn't even fit at all.

That is kind of what we are talking about here. Over the past year people all over the country slowly learned the Federal Government's one size fits all policies aren't in the best interest of all states. The Federal Government has been passing laws and the ATF, having no responsibility to any constituency, has been making one size fits all regulations for decades. Each becoming more and more restrictive on our right to bear arms.

Many people think Federal Gun Control will sound like "knock, knock, give me your Glock"-unfortunately we are seeing step by step what it actually looks like. Taxes of 25 cents per round of ammunition, almost doubling the cost of the round. Adding biometric components to firearms, taking a \$400 gun and making it a \$2400 gun which also means if the owner is hurt in a self-defense situation their spouse or other family member won't be able to use the firearm to further protect themselves. We had heard rumblings of a tax on currently owned firearms and ammunition and more. These moves will make firearm ownership a privilege of the rich and not a right of the people as our Founders intended. This trend needs to stop! Passing this legislation is a great place to START.

Wisconsin has always been a progressive state fighting for the rights of all of its residents. This bill protects the rights of not only hunters and shooting sports enthusiasts but the ordinary citizens like myself that choose to use a firearm to protect herself and her family and is able to do so without having to wear only free one size fits all T-shirts.

I appreciate your time today. I touched on only one part of what this legislation is protecting, but I feel it is the most important part and that is keeping the Second Amendment an affordable right and not making it a rich man's privilege.

Additional information about the Second Amendment and ATF confusion...

Brandon Herrera takes a moment to talk about the newly released guidelines by the ATF regarding how they plan to treat 80%'s going forward.



https://www.youtube.com/watch?v=kf0BCpns31s

Brandon Herrera is the founder of The AK Guy Inc, as well as the founder and co-owner of Stark Media Group. I also am the one developing the .50 caliber rifle known as the AK-50. I'm a passionate AK Guy, and hope you enjoy the content I post up here and can gain something from it!

ATF nominee David Chipman cannot seem to accurately define what an Assault Weapon is



https://nypost.com/2021/05/26/biden-atf-pick-david-chipman-botches-assault-rifle-definition-at-hearing/

If someone that has worked for the ATF for 25 years and is now nominated to run the bureau has a problem defining it, where do we go from here?

We could cite the many different reasons against Gun Control legislation, but here are a few quotes

"The rifle itself has no moral stature, since it has no will of its own. Naturally, it may be used by evil men for evil purposes, but there are more good men than evil, and while the latter cannot be persuaded to the path of righteousness by propaganda, they can certainly be corrected by good men with rifles."

- Jeff Cooper, Art of the Rifle

"Most gun control arguments miss the point. If all control boils fundamentally to force, how can one resist aggression without equal force? How can a truly "free" state exist if the individual citizen is enslaved to the forceful will of individual or organized aggressors? It cannot."

Tiffany Madison

"An armed society is a polite society."

- Robert A. Heinlein

"A man with a gun is a citizen. A man without a gun is a subject."

- Rep. Allen West

These are satire, however, they do point out how arbitrary and poorly worded ATF recommendations are https://www.youtube.com/watch?v=8nfCyhOX42g





That video spawned this one, again, one does wonder how the ATF works

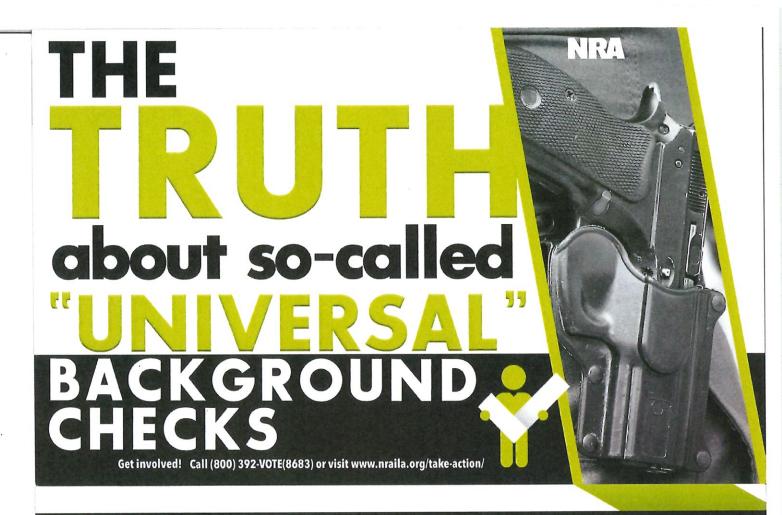
https://www.youtube.com/watch?v=1XLMpdlQOqs





Who is Richard Beazit?

Richard Beazit is the most very very special AFT Agent to ever exist. Which he is more than happy to tell you about himself. His last name is pronounced Bazay, and he doesn't appreciate being called Dick Beats it. Agent Beazit is a true believer in the AFT's mission of gun control. There's never been a gun control law he did not approve of. He has dedicated his life to furthering the liberal agenda and he is just tickled pink that Joe Biden is president.



<u>CLAIM made by gun-control advocates:</u> Criminals obtain their firearms online and at gun shows without a background check by exploiting the so-called gun show "loophole".

ACTUALLY...

- ALL sales made at gun shows, and online, through federally-licensed dealers, are required by federal law to go through a background check. These sales through licensed dealers constitute the bulk of firearms sales.
- Studies by the federal government have repeatedly shown that less than one percent of state prison inmates incarcerated for gun crimes acquired their guns at shows. Most acquired guns through theft, on the black market, or from family members or friends, and nearly half of all illegally trafficked firearms originate with straw purchasers.
- All gun sales even private transactions are subject to federal and state law. This means private sellers cannot knowingly transfer firearms to a prohibited person or criminal.
- None of the high-profile shooters in recent history have purchased their weapons from a gun show. In fact, the vast majority of them purchased their guns legally and PASSED a background check. The background check system must be improved not expanded.
- "Universal background checks" do NOT stop criminals intent on getting their weapons through illegal means.

 Therefore, only law-abiding citizens would be affected.

Get involved: Call (800) 392-VOTE (8683) or visit www.nraila.org/take-action/



"GUN FREE ZONES" are any area that by law or policy prohibits law-abiding citizens from carrying or possessing a firearm for self-defense. Facts to consider:



The vast majority of all public mass shootings since 1950 have occurred in "Gun Free Zones"



'Gun Free Zones" can vary due to various state laws, though federal law sets the basic guidelines.



Private citizens or business owners may also prohibit firearms on their property. State laws vary on the public enforcement of private "Gun Free Zones".

GUN-FREE SCHOOL ZONES ACT



Signed into law in 1994 by President Bill Clinton



Requires states receiving federal funds for education to have a minimum expulsion of one year for any student who brings a firearm to school



Banned possession of firearms within 1,000 feet of a school

PROHIBITIONS ON FIREARMS UNDER THIS ACT DOESN'T APPLY TO:

- 1 firearms on private property (including homes used for home schooling);
- 2 unloaded firearms in a locked container or locked firearms rack in a motor vehicle;
- 3 unloaded firearms possessed while traversing school grounds to access hunting land;
- 4 entry authorized by the school;
- persons licensed by state or local authorities;
- individuals using a firearm in a school program;
- law enforcement officers acting in an official capacity.

individuals who drive through a "school zone" must have their firearms unloaded and An individual who has been issued a right-to-carry license by the state, or a political subdivision of the state, in which the "school zone" is located may continue to carry in a "school zone" in compliance with existing state and local laws. Non-licensed locked in a container or firearms rack.



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MAGAZINE CAPACITY BANS



HLAM

MYTE So-called

> fully-automatic weapons" are firearms. "Assault

TRUTH

Semi-automatic form or another automatic rifles. These firearms existed in one for well over a rifles have are semi-

what an "assault There is a set definition for weapon" is.

frequently used

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weapons" are

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Different states TRUTH

These firearms

TRUTE

only 1-2% of account for

appearance or define "assault firearms based different ways. weapons" in on arbitrary Most states do not ban features. crime, according firearms related

to the FBI.

Why do people own these magazines?

- Same reason as police: self-defense. Law enforcement regularly carry 15-17 round magazines.
- self-defense, and magazines are a necessary SCOTUS ruled handguns are protected for part of a handgun.
- Most standard handguns come with magazines that hold more than 10 rounds.

Will a magazine ban stop criminals? No!

- In the 2007 attack at Virginia Tech the criminal reloaded numerous times (17 empty magazines were recovered).
- Criminals often use multiple firearms.
- Crimes often involve multiple criminals.
- DOJ/Rand studies found that gun and magazine bans don't reduce violent crime.

Why arbitrary ban on 10 rounds?

- There is no evidentiary basis for limiting magazines to 10 rounds.
- The Justice department under the Clinton administration conducted a study of the 1994 Assault Weapons Ban and concluded that the ban had virtually no impact on violent crime.

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First, I want to thank the Senate Committee on Labor and Regulatory Reform for giving me this chance to speak. Secondly, I want to thank all the activists that have fought for years to preserve the Second Amendment in Wisconsin and across the nation. We owe you a debt of gratitude.

The Federal government is actively working against the rights of the people and seeking to strip them of their means of self-defense. Wisconsin residents are now under threat of having their property taken and becoming felons overnight by a lawless federal government obsessed with gun control. While murder rates skyrocket in metropolitan areas across the country (Milwaukee's murder rate alone is up 96%), Biden has encouraged the DOJ — an executive investigatory agency — to essentially rewrite laws by changing definitions to expand said law's purview. This maneuvering attempts to side-step the legislature and provide for the confiscation of arms and elimination of self-defense.

Whether there is precedent for these actions or not, it is unacceptable behavior for the federal government's executive branch to encourage the demolition of the separation of powers in a bid to destroy citizens' gun rights as enumerated in the Second Amendment and Section 25 of the Wisconsin Constitution.

While violence surges, would we remove our citizen's right to defend their lives or the lives of their families? Are we willing to allow our citizens to be stripped of their means of self-defense, putting them at the mercy of violent criminals? For all the talk of "If we can save just one life..." by those who advocate gun control, it appears they only care about such violence when they can use the corpses of victims as a makeshift soapbox to claim some non-existent moral high-ground. How about the millions of cases annually in which firearms are used in self-defense to save a life?

Some have argued that this bill infringes the government's constitutional rights via the interstate commerce and supremacy clauses. It seems a strange argument for state legislators to argue against the Tenth Amendment and their authority as state officials. Even so, governments don't have rights; people have rights. Governments have expressly granted authority. But, even if we allow the false notion that governments have rights to stand, do the rights of the people not supersede the so-called rights of the Federal government? Are our rights not the sole purpose of the founding of this nation? Preservation of individual rights far outweighs both the supremacy and interstate commerce clauses in importance to our State and our Country.

SB314 is a necessary step towards the preservation of liberty and protection for the citizens of Wisconsin. It would allow Wisconsin law enforcement the power not just to deny the Federal government any assistance in infringing firearm freedoms but offers some punishment for the harassment of our citizens by federal law enforcement agencies. Thank you.

Thomas Leager
Executive Director
Wisconsin Gun Owners

Good Afternoon, my name is Elli Bowen and I am here representing Mission Six Forever (MSF) a Wisconsin group dedicated to improving communities and to upholding individuals Constitutional Rights.

Why is 2A – SB 314 important for passage:

The Federal Government has failed in its basic duty. What is this basic duty? To protect the people of the United States of America. Some examples of this include but are not limited to:

- --- Covid 19
- --- Un-peaceful protests in our cities
- --- Supporting defunding of Police
- --- Lack of boarder controls
- --- Soaring crime and murder rates
- --- Early release of criminals/no bail and rotating criminals back onto the streets
- --- Attempts to destroy the filibuster to force unpopular laws and one party rules
- --- Attempts to control free speech
- --- And we see the Federal government failing not only to provide protection for its citizens, but making it nearly impossible for its citizens to protect themselves or loved ones!

Citizens fleeing from cities to lower density populated areas or to states which provide more protection and less burdensome regulations.

States, along with the Federal Government, also have the responsibility to protect the rights of its citizens, particularly when the Federal Government refuses to do so. And finally, the citizens themselves have the right to bare arms to secure peace. Peace is only obtainable through the strength of arms. There will always be individuals, and other countries who will attempt to destroy this peace and take what is **not** theirs to take.

I receive the monthly magazine USCCA Concealed Carry. Every month there are a host of true stories of individuals and their families being attacked and having to defend themselves. (Hold up Magazines) Many of these individuals would be dead or seriously wounded had they not had a concealed carry with them.

Most people say that criminals don't care about gun control laws. This actually is not true. Criminals do care about gun control laws! When criminals were asked what do you think about gun control laws, they will tell you we don't care if they are past. They say I am a criminal or a member of a gang and I will still have a gun. It just makes it easier for me and harder for the law abiding citizen. Gun control advocates main goal is to completely eliminate guns for law abiding citizens. Criminals love this, as they confess "they will still have guns".

On June 14, 2021, I received a reply from U.S. House of Representative Congressman Mark Pocan. Representative Pocan has co-sponsored a number of proposals, ranging from reinstating the assault weapons ban to requiring background checks on gun purchases. He stated in the letter, that while we may disagree on this issue, I appreciate your taking the time to write and hope you will continue to reach out in the future whenever there is anything I can do for you. (Only problem is he doesn't represent me!) There has not been one time when I have written or called him regarding an issue and received the response I was hoping for. Again, my representatives in the Federal government are not representing me.

This is exactly why 2A-SB 314 must be enacted.

I want to thank this legislative body for its efforts in protecting our Second Amendment rights. This is a challenging time for all of us and I, along with the other Mission Six Forever members appreciates your efforts! Thank you for your time as well.